

CHAMBERS OF COMMERCE OF THE
UNITED STATES OF AMERICA, *et al.*,

V.

Defendant.

Dated: July 5, 2022

The Court has scheduled oral arguments on the issue of whether the pass-through prohibition contained in Maryland’s Digital Advertising Gross Revenues Tax Act (the “DATA”) violates the First Amendment, to be held on **Tuesday, July 12, 2022, at 2:00 p.m. Eastern Time**. The parties shall adhere to the following time allocations for the oral argument:

- In addition, the parties shall be prepared to address the following issues during the hearing:

1. Whether the DATA’s pass-through prohibition restricts speech, because it prohibits a taxpayer from directly passing on the tax.
2. Whether the DATA’s pass-through prohibition restricts speech, because it prohibits passing through the tax “by means of a separate fee, surcharge, or line-item.”

3. Whether plaintiffs have satisfied the pre-requisite for bringing a facial First Amendment challenge to the DATA's pass-through prohibition under *Greater Balt. Center for Pregnancy Concerns, Inc. v. Mayor and City Council Balt.*, 721 F.3d 264, 282 (4th Cir. 2013).
4. Should the Court conclude that the pass-through prohibition restricts commercial speech, whether the DATA's pass-through prohibition satisfies intermediate scrutiny.

IT IS SO ORDERED.

s/ Lydia Kay Griggsby
LYDIA KAY GRIGGSBY
United States District Judge